

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

CSX TRANSPORTATION, INC.,

Plaintiff,

v.

Civil Action No. 2:18-cv-530-MSD-RJK

**NORFOLK SOUTHERN RAILWAY
COMPANY, *et al.*,**

Defendants.

**NORFOLK AND PORTSMOUTH BELT LINE RAILROAD COMPANY'S
MOTION *IN LIMINE* #1 TO EXCLUDE EVIDENCE AND ARGUMENT
REGARDING THE USE OF INTERNAL NS EMAILS**

Defendant Norfolk and Portsmouth Belt Line Railroad Company (“Belt Line”), by counsel, pursuant to Fed. R. Evid. 403, moves to exclude all evidence and argument relating to the use of internal emails of Norfolk Southern Railway Company (“NS”), as NS-appointed members of the Belt Line’s Board are not “representatives” or agents of the Belt Line by virtue of their status as directors. Allowing such evidence or argument would improperly expose the Belt Line to liability for communications that it did not authorize and cannot control. In support thereof, the Belt Line fully incorporates NS’s Motion in Limine on this point (D.E. 337) and submits the accompanying memorandum to assert an additional argument.

Dated: May 7, 2021

**NORFOLK AND PORTSMOUTH BELT LINE
RAILROAD COMPANY**

By: /s/ W. Ryan Snow

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CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of May 2021, I electronically filed the foregoing document with the Clerk of the Court for the U.S. District Court, Eastern District of Virginia, Norfolk Division, using the electronic case filing system of the court. The electronic case filing system will send a "Notice of Electronic Filing" to the attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means.

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